

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

COMPUWARE CORPORATION,  
a Michigan Corporation,

Case No. 04-73749

Plaintiff/  
Counterclaim Defendant,

District Judge Anna Diggs Taylor

Magistrate Judge R. Steven Whalen

v.

OPNET TECHNOLOGIES, INC.,  
a Delaware Corporation,

Defendant/  
Counterclaim Plaintiff.

---

**ORDER GRANTING IN PART AND DENYING IN PART  
PLAINTIFF'S MOTION TO COMPEL AND FOR SANCTIONS**

Before the Court is Plaintiff's Motion to Compel Interrogatory Answers and for Sanctions [Docket #33]. For the reasons and under the terms stated on the record on August 18, 2005, the Motion is GRANTED IN PART AND DENIED IN PART, as follows:

A. As to Interrogatories 2 and 6, the Motion is GRANTED, and Defendant will supplement its answers, specifically identifying and elucidating the portion of each text referenced to correspond to each element of the asserted claims; stating whether a reference is being relied upon under 35 U.S.C. § 102, § 103, or both, and if a combination of references is being relied upon under § 103, what that combination is, and the reason for combining the references.

B. As to Interrogatory Nos. 11 and 14, the Motion to Compel supplemental responses is GRANTED.

C. As to Interrogatory Nos. 10, 12, 13, and 15-18, the Motion to Compel is DENIED.

D. Plaintiff's Motion for Sanctions is GRANTED, pursuant to Fed.R.Civ.P. 37(a)(4)C), and Plaintiff shall be awarded reasonable attorney's fees and costs related to the portions of this Motion on which it prevailed. Plaintiff shall submit a bill of costs within seven (7) days of the date of this Order, with a copy to Defendant's counsel, who may file objections as to the amount only within seven (7) days of receipt of the bill of costs.

E. All discovery ordered herein shall be produced within 30 days of the date of this Order.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: August 23, 2005

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on August 23, 2005.

S/Gina Wilson  
Judicial Assistant